

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/275,887 Confirmation No.: 1353
Applicant(s): Offutt et al.
Filed: March 25, 1999
Art Unit: 3626
Examiner: Robert W. Morgan
Title: METHODS AND APPARATUS FOR DETERMINING
NON-OBVIOUS SAVINGS IN THE PURCHASE OF GOODS

Docket No.: 043474/257035
Customer No.: 00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REVISED APPEAL BRIEF UNDER 37 CFR § 41.37

This Revised Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed August 17, 2006, and in response to the Notification of Non-Compliant Appeal Brief dated January 25, 2007. This Revised Brief supplements the Summary of Claimed Subject Matter section to summarize each independent claim of the present application and to refer to the specification by page and line number, and the drawings if appropriate.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Travelocity.com LP, the assignee of the above-referenced patent application. Travelocity.com LP is currently a wholly-owned subsidiary of Sabre Inc.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application. An appeal of a continuation-in-part application of this application, U.S. Patent Application Serial No.

09/471,012, is currently pending. Applicants having filed their appeal brief on February 16, 2005.

3. ***Status of Claims.***

Claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30 and 32-51 are pending, all of which stand rejected.

4. ***Status of Amendments.***

There are no unentered amendments in this application.

5. ***Summary of Claimed Subject Matter.***

Embodiments of the present invention relate to data processing systems, methods and computer-readable mediums for determining non-obvious savings in booking a travel itinerary. Generally, embodiments of the present invention search for non-obvious savings by performing non-obvious reconfigurations of itineraries, including alternative origin or destination locations. Additionally or alternatively, the embodiments of present invention check the prices of non-obvious suppliers of pre-packaged goods and services, such as travel consolidators/wholesalers, that may provide such savings. Further, embodiments of the present invention may request just-in-time "best offer" price quotes from suppliers, thereby creating a type of online, last-minute auction. Pat. App. page 7, lines 12-21.

More particularly, independent Claim 1 recites a method for providing information regarding savings associated with travel alternatives comprising steps, performed by a processor. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. In this regard, the request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of the selected originating location and/or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes analyzing the travel itinerary specified in the request, including the selected originating and

destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. In this regard, the analyzing step includes identifying one or more alternative itineraries including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 8, lines 10-11; and page 14, line 19 – page 15, line 3. Values for the travel itinerary specified in the request, and for the alternative itineraries, are determined. *Id.*, page 4, line 21-22; page 15, lines 12-18; and FIG. 6, steps 650 and 655. And a report is generated based on the analysis and determination, and including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 10 recites a method for providing information regarding savings associated with travel alternatives comprising steps, performed by a processor. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location; and analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. Pat. Appl., page 4, lines 17-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 9 – page 15, line 3; page 15, line and 7-9; and FIG. 6, steps 600, 605, steps 610, 620 and 630. The method also includes determining values for the travel itinerary specified in the request, and for each of the alternative itineraries, and generating a report reflecting the analysis and determinations. *Id.*, page 4, line 21 – page 5, line 4; page 15, lines 12-18; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 650, 655, 680, 685 and 690. As further recited, the analyzing step includes identifying one or more alternative itineraries including an alternate originating location or destination location that is different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15,

lines 3 and 7-9; and FIG. 6, steps 610, 620 and 630. In addition, the analyzing step includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request, and any predetermined travel packages that include travel for the at least one alternative itinerary, the travel packages being pre-configured packages based upon prior negotiations with providers of travel services. *Id.*, page 7, lines 17-19; page 8, lines 2-3; page 15, lines 10-11; and FIG. 6, steps 640 and 645.

Independent Claim 11 recites a method for providing information regarding savings associated with travel alternatives comprising steps, performed by a processor. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location; and analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. Pat. Appl., page 4, lines 17-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 9 – page 15, line 3; page 15, line and 7-9; and FIG. 6, steps 600, 605, steps 610, 620 and 630. Values for the travel itinerary specified in the request, and for each of the alternative itineraries, are determined; and a report reflecting the analysis and determinations is generated. *Id.*, page 4, line 21 – page 5, line 4; page 15, lines 12-18; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 650, 655, 680, 685 and 690. As also recited, one or more price-to-beat requests are sent to a plurality of service providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries. *Id.*, page 7, lines 19-21; page 15, line 19 – page 16, line 1; and FIG. 6, step 660. A response is received from each of the service providers with information on a service provider travel itinerary and a value of the service provider travel itinerary. In this regard, the travel itinerary from each of the service providers may be the same or comparable, according to each respective service provider, to the user's travel itinerary or one of the alternative itineraries. *Id.*, page 16, lines 1-5; and FIG. 6, step 670. The value of the travel itinerary specified in the request and the values for each of the alternative itineraries are reconfigured based on the responses from each of the service providers, and a report is provided based on the analysis, determination and reconfiguration including an

indication of the reconfigured values of the travel itinerary and the alternative itineraries. *Id.*, page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 12 recites a computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives. Pat. Appl., page 10, lines 10-13. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. The request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of the selected originating location and/or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. In this regard, the analyzing step includes identifying one or more alternative itineraries including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 8, lines 10-11; and page 14, line 19 – page 15, line 3. Values for the travel itinerary specified in the request, and for each of the alternative itineraries, are determined. *Id.*, page 4, line 21-22; page 15, lines 12-18; and FIG. 6, steps 650 and 655. And a report is generated based on the analysis and determination, and including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 21 recites a computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives. Pat. Appl., page 10, lines 10-13. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected originating

location and a selected destination location. The request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of the selected originating location and/or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. In this regard, the analyzing step includes identifying one or more alternative itineraries including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 8, lines 10-11; and page 14, line 19 – page 15, line 3. Values for the travel itinerary specified in the request, and for each of the alternative itineraries, are determined. *Id.*, page 4, line 21-22; page 15, lines 12-18; and FIG. 6, steps 650 and 655. And a report reflecting the analysis and determinations is determined. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 22 recites a computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives. Pat. Appl., page 10, lines 10-13. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location; and analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. Pat. Appl., page 4, lines 17-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 9 – page 15, line 3; page 15, line and 7-9; and FIG. 6, steps 600, 605, steps 610, 620 and 630. Values for the travel itinerary specified in the request, and for each of the alternative itineraries, are determined. *Id.*, page 4, line 21-22; page 15, lines 12-18; and FIG. 6, steps 650 and 655. As also recited, one or more price-to-beat requests are sent to a plurality of service

providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries. *Id.*, page 7, lines 19-21; page 15, line 19 – page 16, line 1; and FIG. 6, step 660. A response is received from each of the service providers with information on a service provider travel itinerary and a value of the service provider travel itinerary. In this regard, the travel itinerary from each of the service providers may be the same or comparable, according to each respective service provider, to the user's travel itinerary or one of the alternative itineraries. *Id.*, page 16, lines 1-5; and FIG. 6, step 670. The value of the travel itinerary specified in the request and the values for each of the alternative itineraries are reconfigured based on the responses from each of the service providers, and a report is provided including an indication of the reconfigured values of the travel itinerary and the alternative itineraries. *Id.*, page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 23 recites a computer system for providing information regarding savings associated with travel alternatives. As recited, the system includes a buyer interface 510 and a server 400. Pat. Appl., FIG. 5. The buyer interface is for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. The request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of the selected originating location and/or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The server, on the other hand, is for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. In this regard, analyzing the travel itinerary includes identifying one or more alternative itineraries including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 8, lines 10-11; and page 14, line 19 – page 15, line 3. In addition to analyzing the travel

itinerary, the server is also for determining values for the travel itinerary specified in the request, and for each of the alternative itineraries; and generating a report based on the analysis and determination, and including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request. *Id.*, page 4, line 21 – page 5, line 4; page 15, lines 12-18; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 650, 655, 680, 685 and 690.

Independent Claim 32 recites a computer system for providing information regarding savings associated with travel alternatives. As recited, the system includes a buyer interface 510 and a server 400. Pat. Appl., FIG. 5. The buyer interface is for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. *Id.*, page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The server, on the other hand, is for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. The server is also for determining values for the travel itinerary specified in the request, and for each of the alternative itineraries, and generating a report reflecting the analysis and determinations. *Id.*, page 4, line 21 – page 5, line 4; page 15, lines 12-18; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 650, 655, 680, 685 and 690. As further recited, analyzing the travel itinerary includes identifying one or more alternative itineraries including an alternate originating location or destination location that is different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, lines 3 and 7-9; and FIG. 6, steps 610, 620 and 630. In addition, analyzing the travel itinerary includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request, and any predetermined travel packages that includes travel for the at least one alternative itinerary, the travel packages being pre-configured packages based upon prior negotiations with providers of

travel services. *Id.*, page 7, lines 17-19; page 8, lines 2-3; page 15, lines 10-11; and FIG. 6, steps 640 and 645.

Independent Claim 33 recites a computer system for providing information regarding savings associated with travel alternatives. As recited, the system includes a buyer interface 510, a server 400 and a trader interface 520. Pat. Appl., FIG. 5. The buyer interface is for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. *Id.*, page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The server is for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request; and for determining values for the travel itinerary specified in the request, and for each of the alternative itineraries. *Id.*, page 4, lines 19-22; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9 and 12-18; and FIG. 6, steps 610, 620, 630, 650 and 655. The trader interface is for receiving price-to-beat requests from the server and for providing a response from a trader with information on a trader travel itinerary and a value of the trader travel itinerary, where the travel itinerary from the trader interface may be the same or comparable, according to the trader, to the user's travel itinerary or one of the alternative itineraries. *Id.*, page 7, lines 19-21; page 15, line 19 – page 16, line 1; page 16, lines 1-5; and FIG. 6, steps 660 and 670. The server, then, is configured to reconfigure the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the response from the trader, and generate a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries. *Id.*, page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 34 recites a computer system for providing information regarding savings associated with travel alternatives. As recited, the system includes a buyer interface 510, a server 400 and a supplier interface 530. Pat. Appl., FIG. 5. The buyer interface is for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. *Id.*, page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The server is for analyzing the travel itinerary specified in the request,

including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request; and for determining values for the travel itinerary specified in the request, and for each of the alternative itineraries. *Id.*, page 4, lines 19-22; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9 and 12-18; and FIG. 6, steps 610, 620, 630, 650 and 655. The supplier interface is for receiving price-to-beat requests from the server and for providing responses from a plurality of service providers with information on service provider travel itineraries and respective values of the service provider travel itineraries. In this regard, each of the travel itineraries from the supplier interface may be the same or comparable, according to each of the plurality of service providers, to the user's travel itinerary or one of the alternative itineraries. *Id.*, page 7, lines 19-21; page 15, line 19 – page 16, line 1; page 16, lines 1-5; and FIG. 6, steps 660 and 670. The server, then, is configured to reconfigure the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from the service providers, and generate a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries. *Id.*, page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 36 recites a computer system for providing information regarding savings associated with travel alternatives. As recited, the system includes an interface means and a serving means. The interface means is for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location. The request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of the selected originating location and/or selected destination location for searching for alternative itineraries. *Pat. Appl.*, page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The serving means, on the other hand, is for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. In this regard, analyzing the travel itinerary includes

identifying one or more alternative itineraries including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 8, lines 10-11; and page 14, line 19 – page 15, line 3. In addition, the serving means is for determining values for the travel itinerary specified in the request, and each of the alternative itineraries, and generating a report based on the analysis and determination, and including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request. *Id.*, page 4, line 21 – page 5, line 4; page 15, lines 12-18; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 650, 655, 680, 685 and 690. And a report is generated based on the analysis and determination, and including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request.

Applicants further note that Claim 36 of the present application provides a computer system comprising a number of means-plus-function elements as permitted by 35 U.S.C. § 112, sixth paragraph. As explained on pages 9 and 10 of the present application, the computer system recited in Claim 36 may operate in a client-server system illustrated in FIG. 2, although portions of the system may be distributed among a number of machines. In this regard, as further explained with reference to FIG. 2, a client **220** and server **222** each include conventional components such as a processor **224**, **234** coupled to memory **225**, **235** and a mass storage device **227**, **237**. Pat. App., page 9, line 21 – page 10, line 10. As indicated, embodiments of the invention may be implemented in software stored as executable instructions on a computer-readable medium (e.g., **225**, **235** and/or **227**, **237**) on the client and/or server. *Id.* Accordingly, to the extent Claim 36 of the present application recites means-plus-function elements, each of those elements may correspond to conventional computer components on the client or server, including hardware operating alone or under the direction of executable instructions on a computer-readable medium (e.g., **235**, **237**, etc.).

Independent Claim 43 recites a method for providing information regarding savings associated travel alternatives comprising steps, performed by a processor. As recited, the method includes receiving a request from a user specifying a travel itinerary that includes a selected

originating location and a selected destination location. The request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of the selected originating location and/or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; and FIG. 6, steps 610, 620 and 630. In this regard, the analyzing step includes identifying one or more alternative itineraries including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request. *Id.*, page 8, lines 10-11; and page 14, line 19 – page 15, line 3. Values for the travel itinerary specified in the request, and for the alternative itineraries, are determined. *Id.*, page 4, line 21-22; page 15, lines 12-18; and FIG. 6, steps 650 and 655. And a report is generated based on the analysis and determinations. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 44 recites a method for providing travel alternatives. As recited, the method includes receiving, from a user, a request specifying a travel itinerary that includes (a) a selected origination location and a selected destination location, (b) a first value associated with the itinerary, and (c) proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternate itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes determining, without user intervention, a set of alternate itineraries different than the travel itinerary specified in the request, where one or more alternate itineraries are associated with an alternative value, and a route between an alternate originating location or alternate destination location that is within the proximity tolerances, and either the origination or destination location of the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line

19 – page 15, line 3; page 15, lines 7-9; page 16, lines 13-21; FIG. 6, steps 610, 620 and 630; and FIG. 7. Further, a report is provided, where the report includes an indication of the first value, the alternate value for each alternate itinerary, and a savings value for each alternate itinerary reflecting a difference between the first value and the respective alternate value. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 49 recites a method for providing travel alternatives. As recited, the method includes receiving, from a user, a request specifying a travel itinerary that includes (a) a selected origination location and a selected destination location, (b) a first value associated with the itinerary, and (c) proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes determining, without user intervention, a set of alternative itineraries different than the itinerary specified in the request, where one or more alternative itineraries include a route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the selected origination or destination location of the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; page 16, lines 13-21; FIG. 6, steps 610, 620 and 630; and FIG. 7. An alternate value for each alternative itinerary is determined. *Id.*, page 4, line 21-22; page 15, lines 12-18; and FIG. 6, steps 650 and 655. And a report, including a geographical map, is provided. In this regard, the graphical map includes (a) a graphical representation of the origination location, destination location, and each alternate location; (b) a graphical representation of a first path between the origination and destination locations and a corresponding cost of travel for the first path; and (c) a graphical representation of an alternate path between each alternate location and either the origination or destination locations and a corresponding cost of travel for each respective alternate path. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

Independent Claim 50 recites a method for providing travel alternatives. As recited, the method includes receiving, from a user, a request specifying a travel itinerary that includes (a) a

travel route between a selected origination location and a selected destination location, and (b) proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries. Pat. Appl., page 4, lines 17-19; page 14, lines 9-18; and FIG. 6, steps 600, 605. The method also includes determining, without user intervention, a set of alternative itineraries different than the itinerary specified in the request, where one or more alternative itineraries include an alternate route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the origination or destination location of the travel itinerary specified in the request. *Id.*, page 4, lines 19-21; page 7, lines 6-11; page 7, line 21 – page 8, line 2; page 8, lines 7-11; page 14, line 19 – page 15, line 3; page 15, lines 7-9; page 16, lines 13-21; FIG. 6, steps 610, 620 and 630; and FIG. 7. Further, the method includes providing a report to the user such that the user may visually inspect a map including a graphical representation of the route between the origination and destination locations and the alternate routes, and a travel cost for each corresponding route. *Id.*, page 4, line 22 – page 5, line 4; page 16, lines 9-13; page 17, lines 1-13; and FIG. 6, steps 680, 685 and 690.

6. *Grounds of Rejection to be Reviewed on Appeal.*

Currently, pending Claims 10 and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by newly cited U.S. Patent No. 5,732,398 to Tagawa. Pending Claims 1, 2, 4, 12, 13, 15, 21, 23, 24, 26, 35, 36, 43-48 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. Patent No. 4,879,648 to Cochran et al. In addition, pending Claims 5-8, 16-19, 27-30, 49 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa and Cochran, in further view of U.S. Patent No. 5,948,040 to DeLorme et al.; and pending Claims 11, 22, 33, 34 and 37-42 under 35 U.S.C. § 103(a) stand rejected as being unpatentable over Tagawa in view of U.S. Patent No. 5,897,620 to Walker et al.

7. *Argument.*

As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Tagawa, Cochran, DeLorme and Walker, taken individually or in

combination. Applicants' remarks below first summarize the cited references, and then address each of the aforementioned rejections of claims of the present application in view thereof.

A. Summary of the Cited References

The primarily cited reference, Tagawa, discloses a self-service system for selling travel-related services or products by means of an interactive travel service system functioning like a travel agent. As disclosed, the user is first queried as to travel knowledge, such as whether the user is a first-time visitor or is otherwise familiar with the travel destination, and as to personal attributes such as family orientation, age and preference for airlines, lodgings, car rental companies, price range and lifestyle. In accordance with the travel knowledge and attributes inputted electronically by the user, one or more recommendations or a whole listing will be presented for selection by the user. In one disclosed aspect, a user may select from among local or intrastate tour packages such as packages in the Hawaii market, including trips between the islands (e.g., from Oahu to Kauai, Maui, Molokai, Lanai and/or Hawaii). To simplify the process, the user is asked to input the relevant dates and the inventory database is searched so that only available choices will be presented.

Cochran discloses a system and method of variably displaying search terms. As disclosed, the method includes continuously displaying the names of categories on a video terminal screen. When the cursor is adjacent a category, one data set or search term is displayed, that search term being one of a plurality of terms in a list associated with the particular category. The user can then display another term from the list by actuating a scrolling control key input. In an illustrated example, Cochran describes a structured database of hotel and resort information records. As explained, the information records can be searched based upon the proximity of a hotel/resort to specific areas of interest such as a tourist attraction, business location or airport.

DeLorme discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The users can also preview alternate routes between a fixed travel origin and travel destination, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. The DeLorme system allows a user to

construct a highly selective travel route between the travel origin and travel destination, with user-selected waypoints of interest along the route. In this regard, the DeLorme system provides for changing the travel route including the transportation routes, waypoints, and objects or points of interest. Col. 7, lines 25-30.

Finally, Walker discloses a method and apparatus for the sale of airline-specified flight tickets. Walker discloses an unspecified-time airline ticket that represents a purchased seat on a flight to be subsequently selected for a traveler-specified itinerary. As disclosed, then, various systems and methods are provided for matching the unspecified-time ticket with a flight. In one disclosed embodiment, a traveler could submit a bid to an airline for an unspecified-time ticket, where the bid specifies an amount (e.g., \$375) the traveler is willing to pay for the ticket. Upon receipt of the bid, the airline can then decide whether to accept or reject the bid.

B. The Claimed Invention is Patentable over the Cited References

Various ones of the claims of the present application are separately rejected as being anticipated by Tagawa, or as being unpatentable over Tagawa in view of various combinations of Cochran, DeLorme and Walker. Accordingly, the rejections of the claims will be separately addressed below in a similar fashion.

1. Claims 10 and 32 are Patentable over Tagawa

Independent Claims 10 and 32 stand rejected as being anticipated by Tagawa. Independent Claims 10 and 32 provide a method and computer system, respectively, for providing information regarding savings associated with travel alternatives. In this regard, independent Claims 10 and 32 recite receiving or providing a request specifying a travel itinerary that includes a selected originating location and a selected destination location. The travel itinerary specified in the request, including the selected originating and destination locations, is then analyzed to determine a set of alternative itineraries different than the travel itinerary specified in the request. In this regard, analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination. Independent Claims 10 and 32 also recite determining values for the travel itinerary specified in the request

and the alternative itineraries. As further recited, any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies) are located, where the travel packages are pre-configured packages based upon prior negotiations with providers of travel services.

In contrast to independent Claims 10 and 32, Tagawa does not teach or suggest analyzing a travel itinerary, including a selected originating location or destination location, to determine a set of alternative itineraries different than the travel itinerary. And more particularly, in contrast to independent Claims 10 and 32, Tagawa does not teach or suggest analyzing the travel itinerary includes identifying an alternative itinerary that includes an alternative originating location or destination location that is different than the selected originating location or destination location. As explained above, Tagawa discloses a system for selling travel-related services or products that, in one disclosed aspect, permits a user to select from among local or intrastate tour packages, such as packages in the Hawaii market, including trips between the islands (e.g., from Oahu to Kauai, Maui, Molokai, Lanai and/or Hawaii).

From the above, one could argue that Tagawa suggests that a user can select from among different destinations for a trip (e.g., different Hawaiian Islands). Even in this instance, however, Tagawa at best discloses determining an itinerary that includes an origin and a destination selected from among the different islands, which one could argue corresponds to the recited step of receiving a request that includes a selected originating location and a selected destination location, the destination location being one of the Hawaiian Islands. *See* Tagawa patent, col. 14, ll. 27-30 and 64-65 (explaining that the user chooses a tour destination). Tagawa does not disclose, however, that the itinerary (including the selected originating and destination locations) is then analyzed to determine alternative itineraries different than the itinerary specified in the request, in the same manner as the claimed invention. Rather, Tagawa merely provides an interactive system whereby the user builds a tour package around the selected originating and destination locations, including selecting a flight between the selected locations.

In response to the foregoing, the Examiner in the final Official Action maintained that Tagawa anticipated Claims 10 and 32, and asserted the following:

As per this limitation, Tagawa teaches at Fig. 3, that a user is asked for an

airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50). In addition, Tagawa teaches at block 312, a user is instructed to press a HELP button that will cause a sub-routine to be activated to offer one or two choices that are different from the first recommended choice based on the predetermined priority system (see: column 13, lines 11-17). Furthermore, Tagawa teaches that after a user selects destination, the destination area selected may be further refined. For example, if the destination is Las Vegas, the system will query the user to make a decision on three possible destination areas: along the Las Vegas Strip, downtown Las Vegas, or properties off the Strip (see: column 16, lines 55-60). This clearly indicates that a user specifies an origin and destination and is later shown one or two choices different from the first choice.

Final Official Action of May 18, 2006, page 3 (emphasis in original). In maintaining that Tagawa anticipates Claims 10 and 32, however, Applicants respectfully submit that the Examiner has twisted and confused separate, distinct features of Tagawa to fit the reference to the claimed invention, as explained below.

Consistent with the Examiner's above interpretation, Tagawa does disclose an option to purchase airline tickets including selection of an origin and destination. Tagawa, col. 15, ll. 25-50; and *see* FIG. 3 (block 218); and FIGS. 8A and 8B. Also consistent with the Examiner's interpretation, Tagawa also discloses that if a user cannot make a decision after viewing a presentation of a recommended choice, a sub-routine may be activated to offer one or two choices that are different from the recommended choice. *Id.* at col. 13, ll. 11-17. Inconsistent with the Examiner's suggested interpretation of Tagawa, however, Tagawa does not teach or suggest that its option to purchase airline tickets includes the aforementioned sub-routine feature offering choices different from a recommended choice. Rather, Tagawa clearly discloses its sub-routine feature as part of an option to arrange local lodging, as explained below.

As clearly shown in FIG. 3 of Tagawa, an interactive electronic travel service system includes a local lodging option (block 212), and separately includes an option to purchase airline tickets (block 218). The local lodging option, which Tagawa more particularly discloses with reference to FIGS. 5A and 5B, includes the system making a hotel recommendation based on user input as to the type of lodgings desired (block 312). *Id.* at col. 12, ll. 26-64. If the user cannot make a decision as to a hotel, the user may press a HELP button on the screen to activate

a sub-routine to offer one or two hotel choices that are different from the hotel recommendation. *Id.* at col. 13, ll. 1-17. Then, after the user selects a hotel choice (block 314), the user may be led through a series of steps to make a reservation for the chosen hotel (blocks 316-324). *Id.* at col. 13, ll. 18-30.

Separate and distinct from the local lodging option, Tagawa discloses an option to purchase airline tickets more particularly with reference to FIGS. 8A and 8B. As disclosed, the option to purchase airline tickets includes the user selecting an origin, destination, date of travel and time of day of travel for departure (block 456). *Id.* at col. 15, ll. 25-41. In response to the user's input, the system returns and displays a flight schedule including available flights and prices (block 460). The user may then choose a displayed, available flight (block 462) and proceed through a series of steps to make a reservation for the chosen flight (blocks 464-472). *Id.* at col. 15, l. 42 – col. 16, l. 38.

Tagawa therefore appears to disclose a local lodging feature that may offer hotel choices different from a recommended hotel, and an option to purchase airline tickets including a user selecting an origin and destination. Tagawa does not, however, disclose that its option to purchase airline tickets or any other option or feature includes selecting an origin and destination, and offering an alternative originating location or destination location that is different than the selected origin or destination, similar to the claimed invention.

Applicants note that the Examiner also cites a passage of Tagawa disclosing an out-of-state tour package (FIG. 3, block 22) including user selection of a destination, and further refinement of that destination. *Id.* at col. 16, ll. 55-60. Even considering this passage, however, Tagawa still does not anticipate the claimed invention. In this regard, further refining a destination does not correspond to an alternate destination that is different than the selected destination location, as in the claimed invention. Rather, as disclosed by Tagawa, the selected destination and the further refined destination are both the same destination, with the further refined destination merely corresponding to a more specific portion of the selected destination. Thus, for example, a selected destination of Las Vegas and a further refined destination of the Las Vegas Strip both specify the same destination (i.e., Las Vegas); the further refined destination merely corresponds to a more specific part of that destination (i.e., the Strip).

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 10 and 32 are patentably distinct from Tagawa.

**2. *Claims 1, 2, 4, 12, 13, 15, 21, 23, 24, 26, 35, 36, 43-48 and 50 are
Patentable over Tagawa in view of Cochran***

As indicated above, Claims 1, 2, 4, 12, 13, 15, 21, 23, 24, 26, 35, 36, 43-48 and 50 stand rejected as being unpatentable over Tagawa in view of Cochran. In this regard, independent Claims 1, 12, 21, 23, 36 and 43 of the present application recite methods, computer-readable mediums and systems for providing information relating to savings associated with travel alternatives. And independent Claims 44 and 50 recite methods for providing travel alternatives. As recited in independent Claims 1, 12, 21, 23, 36, 43, 44 and 50, a request specifying a travel itinerary that includes a selected originating location and a selected destination location is received or provided, the request including the selected originating and destination locations, and proximity tolerances specifying a user's acceptable range for searching for alternative itineraries. The travel itinerary specified in the request, including the selected originating and destination locations, is then analyzed to determine a set of alternative itineraries different from the travel itinerary specified in the request. In this regard, analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances, and is different than the selected originating location or destination of the travel itinerary specified in the request. Then, as recited in independent Claims 1, 12, 21, 23, 36, 43 and 44, information (e.g., values) regarding the travel itinerary specified in the request and the alternative itineraries can be determined, with a report subsequently generated to include the information. As recited in independent Claim 50, a report can be provided such that the user can visually inspect a map including a graphical representation of the itinerary specified in the request and the alternative itineraries.

In contrast to the recited methods, computer-readable mediums and systems of independent Claims 1, 12, 21, 23, 36, 43, 44 and 50, and as explained above, Tagawa does not teach or suggest analyzing a travel itinerary, including a selected originating location or destination location, to determine a set of alternative itineraries different than the travel itinerary.

Applicants respectfully submit that, like Tagawa, Cochran does not teach or suggest the aforementioned feature of independent Claims 1, 12, 21, 23, 36, 43, 44 and 50. Applicants therefore respectfully submit that neither Tagawa nor Cochran, taken individually or in combination, teach or suggest this feature.

In further contrast to independent Claims 1, 12, 21, 23, 36, 43, 44 and 50, Applicants respectfully submit that neither Tagawa nor Cochran, taken individually or in combination, teach or suggest receiving or providing a request including proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances. The Examiner, in fact, concedes that Tagawa does not teach or suggest these features of the claimed invention. Nonetheless, the Official Action alleges that Cochran discloses these features. Further, the Examiner alleges that it would have been obvious to one skilled in the art to combine the teachings of Tagawa and Cochran to disclose the claimed invention of independent Claims 1, 12, 21, 23, 36, 43, 44 and 50. Applicants respectfully submit, however, that Cochran, like Tagawa, does not teach or suggest providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances.

As explained above, Cochran does disclose allowing a user to specify the proximity of a hotel/resort to areas of interest, any one or more of which one could argue constitute part of a travel itinerary (although expressly not admitted). However, Cochran does not teach or suggest that the areas of interest are alternative hotels/resorts or otherwise correspond to alternative itineraries, similar to the claimed invention. It merely discloses the display of areas of interest such as an airport, tourist attraction or business, and not other hotels/resorts. Moreover, even if Cochran did disclose that the areas of interest are alternative hotels/resorts, as Cochran is drawn to a system and method of displaying search terms, Applicants respectfully submit that Cochran is not analogous to the claimed invention, and as such, cannot properly be relied upon as a basis for rejection 35 U.S.C. § 103(a). MPEP § 2141.1(a) (explaining that "to rely on a reference under 35 U.S.C. 103, it must be analogous prior art").

In response to Applicants' questioning of the analogousness of Cochran, the Examiner in the final Official Action asserted the following:

.... The Examiner respectfully submits that it has been held that a prior art reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although Cochran is not in the travel itinerary field, it is clearly pertinent to the problem of proximity tolerances specifying a user's acceptable distance range (see: Cochran column 5, lines 63 to column 6, lines 7 and Fig. 4). The Examiner considers searching a database of hotel and resort information using qualifiers or selected search terms such as proximity to another location, proximity to specific area of interest and also using selected search terms to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4) meets the requirements for MPEP 2141.01(a). As such, it is respectfully submitted that Cochran is clearly analogous art.

Final Official Action of May 18, 2006, pages 9-10 (emphasis in original). As explained by the Examiner, for a reference to be analogous to a claimed invention, the reference must either be in the same field as Applicant's endeavor, or if not, then be reasonably pertinent to the particular problem with which the invention is concerned. See MPEP § 2141.1(a). In the instant case, the Examiner concedes that Cochran is not in the same field as the claimed invention. Nonetheless, the Examiner alleges that Cochran is reasonably pertinent to the particular problem with which the claimed invention is concerned, and is therefore analogous to the claimed invention. Applicants respectfully disagree.

The claimed invention is directed to locating non-obvious savings in the purchase price of good and services. Thus, with reference to an itinerary including a selected origin and destination, the claimed invention identifies alternative itineraries including alternative origins/destinations to thereby enable consumers to obtain savings associated with those alternative itineraries. Cochran, on the other hand, is directed to overcoming drawbacks associated with searching through or making selections from an electronic database. To overcome this drawback, Cochran discloses a system and method for displaying information whereby data sets or search terms are grouped in a number of lists that represent categories or fields in records in a database. As can be clearly seen, then, Cochran is not in the least pertinent

to the claimed invention, at least due to the fact that the problems to which each are concerned are significantly different.

In alleging that Cochran is reasonably pertinent to the particular problem with which the claimed invention is concerned, the Examiner appears to be solely focusing on the proximity tolerances feature of the claimed invention. However, the MPEP explicitly states that “[w]hen applying 35 U.S.C. § 103, the following tenants of patent law must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole” MPEP § 2141 (emphasis added); and *see id.* at § 2141.02 (explaining that “[a] prior art reference must be considered in its entirety, i.e., as a whole” – emphasis in original). Thus, as clearly shown, analogousness of a prior art reference is judged by comparison of the claimed invention as a whole against the respective reference as a whole, not just a comparison of particular elements of the claimed invention against particular elements of the respective reference, as suggested by the Official Action. And Applicants respectfully submit that, taken as a whole, Cochran is not reasonably pertinent to the particular problem with which the claimed invention is concerned. Applicants therefore again respectfully submit that as Cochran is non-analogous to the claimed invention, Cochran cannot be relied on as a basis for rejecting the claimed invention under 35 U.S.C. § 103(a).

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 12, 21, 23, 36, 43, 44 and 50, and by dependency Claims 2, 4-8, 13, 15-19, 24, 26-30, 35, 45-48 and 51, are patentably distinct from Tagawa and Cochran, taken individually or in combination.

3. *Claims 5-8, 16-19, 27-30, 49 and 51 are Patentable over Tagawa, Cochran and DeLorme*

Claims 5-8, 16-19, 27-30, 49 and 51 currently stand rejected as being unpatentable over Tagawa and Cochran, in further view of DeLorme. As explained above, neither Tagawa nor Cochran, taken individually or in combination, teach or suggest the invention of independent Claims 1, 12, 23 and 50, and by dependency Claims 5-8, 16-19, 27-30 and 51. That is, in contrast to the claimed invention, neither Tagawa nor Cochran, taken individually or in

combination, teach or suggest analyzing a travel itinerary, including a selected originating location or destination location, to determine a set of alternative itineraries different than the travel itinerary. Also in contrast to the claimed invention, neither Tagawa nor Cochran, taken individually or in combination, teach or suggest receiving or providing a request including proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances. Likewise, Applicants respectfully submit that DeLorme does not teach or suggest these features of the claimed invention, and as such, none of Tagawa, Cochran and DeLorme, taken individually or in any combination, teach or suggest these features. Thus, Applicants respectfully submit that independent Claims 1, 12, 23 and 50, and by dependency Claims 5-8, 16-19, 27-30 and 51, are patentably distinct from Tagawa, Cochran and DeLorme, taken individually or in any combination.

Applicants further respectfully submit independent Claim 49 recites features similar to those of independent Claims 1, 12, 23 and 50, and by dependency Claims 5-8, 16-19, 27-30 and 51. That is, independent Claim 49 recites determining a set of alternative itineraries different than the travel itinerary specified in a request, and receiving a request including proximity tolerances specifying a user's acceptable range for alternative itineraries. In addition, independent Claim 49 recites that at least one of the alternative itineraries includes a route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the selected origination or destination location. For similar reasons to those of independent Claims 1, 12, 23 and 50, and by dependency Claims 5-8, 16-19, 27-30 and 51, then, Applicants respectfully submit that independent Claim 49 is patentably distinct from Tagawa, Cochran and DeLorme, taken individually or in any combination.

4. Claims 11, 22, 33, 34 and 37-42 are Patentable over Tagawa and Walker

Claims 11, 22, 33, 34 and 37-42 stand rejected as being unpatentable over Tagawa in view of Walker. Independent Claims 11, 22, 33 and 34 recite a method, computer-readable medium and computer systems, respectively, for providing information regarding savings associated with travel alternatives. As recited, a travel itinerary is received or provided that

specifies an itinerary including a selected originating location and a selected destination location. The travel itinerary, including the selected originating and destination locations, is then analyzed to determine a set of alternative itineraries different than the itinerary specified in the request, and thereafter values regarding the travel itinerary specified in the request and the alternative itineraries can then be determined, e.g., the prices of the respective itineraries are determined. At least one price-to-beat request can then be sent to a plurality of service providers (or, as recited in independent Claims 33 and 34, a trader interface or supplier interface, respectively, can receive price-to-beat requests). For example, the price of the least expensive itinerary may fix the price of the price-to-beat request. Then, a response from the service providers may include information on a service provider itinerary and a value, e.g., price, of the service provider itinerary, where the service provider itineraries may be the same, or comparable, to the itinerary specified in the request or one of the alternative itineraries. The values of the itinerary specified in the request and the alternative itineraries can then be reconfigured based upon the responses, and thereafter a report can be generated including the reconfigured values.

In contrast to the recited method, computer-readable medium and computer systems of independent Claims 11, 22, 33 and 34, and as explained above, Tagawa does not teach or suggest analyzing a travel itinerary, including a selected originating location or destination location, to determine a set of alternative itineraries different than the travel itinerary. Applicants respectfully submit that, like Tagawa, Walker does not teach or suggest the aforementioned feature of independent Claims 11, 22, 33 and 34. Applicants therefore respectfully submit that neither Tagawa nor Walker, taken individually or in combination, teach or suggest this feature.

In further contrast to independent Claims 11, 22, 33 and 34, Applicants respectfully submit that neither Tagawa nor Walker, taken individually or in combination, teach or suggest determining values for the travel itinerary and the alternative itineraries, sending at least one price-to-beat request (where the price-to-beat request may include the values of the travel itinerary and the alternative itineraries) and receiving responses including a service provider travel itinerary that may be the same, or comparable, to the travel itinerary or an alternative itinerary. Further, neither Tagawa nor Walker, taken individually or in combination, teach or suggest reconfiguring the values of the travel itinerary and the alternative itineraries based upon

the responses from the service providers, as also recited in independent Claims 11, 22, 33 and 34. The Official Action, in fact, concedes that Tagawa does not teach or suggest these features of the claimed invention. Nonetheless, the Official Action alleges that Walker discloses these features. Further, the Official Action alleges that it would have been obvious to one skilled in the art to combine the teachings of Tagawa and Walker to disclose the claimed invention of independent Claims 11, 22, 33 and 34. Applicants respectfully submit, however, that Walker, like Tagawa, does not teach or suggest the respective features of the claimed invention.

As previously explained, Walker does disclose a system for purchasing an unspecified-time ticket that allows a user to bid for a price from a specified airline. Walker does not teach or suggest, however, determining values for a requested itinerary and alternative itineraries and sending the price-to-beat request based upon the values. Also, Walker does not teach or suggest receiving responses from the service providers including a service provider itinerary and an associated value, where the service provider itinerary may be the same, or comparable, to the requested itinerary or an alternative itinerary. Instead, Walker discloses a bidding system where a traveler submits to an airline a specific itinerary and a specific price the traveler is willing to pay for an unspecified-time ticket for the specific itinerary. Nowhere, however, does Walker disclose how the traveler determines the price the traveler is willing to pay for the ticket. In this regard, Walker does not teach or suggest that the traveler determines the price the traveler is willing to pay for the ticket based upon a value associated with a requested itinerary and values associated with alternative itineraries, as recited by the claimed invention.

Also, as clearly stated by Walker, the traveler submits a price to an airline for a specific itinerary, and the airline responds whether to accept or reject the bid based on inventory and pricing guidelines. In this regard, Walker does not teach or suggest receiving, from service providers, service provider itineraries that may be the same, or comparable, to the requested itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. Walker clearly discloses that a specific itinerary for a specific price is either accepted or rejected by the airline, and not modified by the airline either in price (service provider price) or itinerary (service provider itinerary).

Notwithstanding the above, Applicants also respectfully submit that even if the bidding feature of Walker could be reasonably interpreted as the price-to-beat feature of the claimed invention, Tagawa and Walker cannot properly be combined to teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34. In this regard, Applicants respectfully submit that the combination proffered by the Official Action is inconsistent § 2143.01 of the MPEP, which states that a proposed modification of the prior art cannot render the prior art unsatisfactory for its intended purpose. In this regard, in spite of the Official Action's assertions, Applicants again respectfully submit that changing the system in Walker from a user/buyer price driven system to a supplier price driven system for purposes of the rejection is inconsistent with the MPEP. Specifically, Applicants note that there is a fundamental difference between the purpose of the claimed invention and that of Walker. In particular, the claimed invention relates to supplier driven pricing where the user/buyer inputs a request for the item and the system provides either a lowest price or lowest prices offered by suppliers, while Walker is directed to user/buyer driven pricing where the user/buyer sets the price. The combination proposed by the Official Action would essentially alter the system of Walker to a supplier driven pricing model, which would be completely opposite of the fundamental purpose of the system of Walker.

Applicants note the Examiner's previous explanation of section 2143.01 of the MPEP stating that "[a]lthough statements limiting the function or capacity of the prior art device require fair consideration, simplicity of the prior art is rarely a characteristic that weighs against obviousness of a more complicated device with added function." Applicants respectfully submit, however, that even given this explanation of obviousness, Applicants have not suggested that steps or elements are improperly added to the Walker system to teach or suggest the features of the claimed invention. Instead, and in contrast to the quoted explanation in the MPEP, Applicants respectfully submit that to teach or suggest the features of the claimed invention for which Walker is cited, the system of Walker itself would have to be significantly altered from a user/buyer price driven system where the buyer sets the price, to a supplier price driven system where the user/buyer is allowed to search for a price (e.g., the lowest price) offered by a supplier. But as previously explained, such an alteration would make the system of Walker inoperable for its intended purpose as the entire business model and business operation would be upended. For

example, in this alteration, the user/buyer no longer makes, and supplier no longer receives, a guaranteed purchase offer or bid. For this reason, Applicants respectfully submit that all of the claims of the present application are patentable over the cited references.

Even if the references were combined, however, Applicants respectfully submit that neither Tagawa nor Walker, individually or in combination, teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34, by dependency Claims 37-42.

8. *Claims Appendix.*

The claims currently on appeal are as follows:

1. (Previously Presented) A method for providing information regarding savings associated with travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location, wherein the request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request;

determining a value for the travel itinerary specified in the request;

determining a value for of the alternative itineraries; and

generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request.

2. (Previously Presented) The method of claim 1, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, the value for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary specified in the request and each of the alternative itineraries.

3. (Cancelled)

4. (Previously Presented) The method of claim 1, wherein the analyzing step includes locating any alternate lodging that is within the proximity tolerances.

5. (Previously Presented) The method of claim 1, wherein the receiving step includes assigning geographical coordinates for each of the originating location and the destination.

6. (Original) The method of claim 5, wherein the analyzing step includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

7. (Original) The method of claim 6, wherein the step of generating a set of locations includes reducing the range when a number of locations in the set exceeds a predetermined number.

8. (Original) The method of claim 6, wherein the step of generating a set of locations includes increasing the range when a number of locations in the set is smaller than a predetermined number.

9. (Cancelled)

10. (Previously Presented) A method for providing information regarding savings associated with travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries; and
generating a report reflecting the analysis and determinations,
wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination location that is different than the selected originating location or destination location of the travel itinerary specified in the request, wherein the analyzing step includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request, and any predetermined travel packages that includes travel for the at least one alternative itinerary, and wherein the travel packages are pre-configured packages based upon prior negotiations with providers of travel services.

11. (Previously Presented) A method for providing information regarding savings associated with travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries;

generating a report reflecting the analysis and determinations;

sending at least one price-to-beat request to a plurality of service providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries;

receiving a response from each of the service providers with information on a service provider travel itinerary and a value of the service provider travel itinerary, wherein the travel itinerary from each of the service providers may be the same or comparable, according to each respective service provider, to the user's travel itinerary or one of the alternative itineraries;

reconfiguring the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from each of the service providers; and providing a report based on the analysis, determination and reconfiguration including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

12. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives the method comprising the steps of:

receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location, wherein the request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request;

determining a value for the travel itinerary specified in the request; determining a value for each of the alternative itineraries; and generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request.

13. (Previously Presented) The computer-readable medium of claim 12, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, the value for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary reflected by the request and each of the alternative itineraries.

14. (Cancelled)

15. (Previously Presented) The computer-readable medium of claim 12, wherein the analyzing step includes locating any alternate lodging that is within the proximity tolerances.

16. (Previously Presented) The computer-readable medium of claim 12, wherein the receiving step includes assigning geographical coordinates for each of the originating location and the destination.

17. (Original) The computer-readable medium of claim 16, wherein the analyzing step includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

18. (Original) The computer-readable medium of claim 17, wherein the step of generating a set of locations includes reducing the range when a number of locations in the set exceeds a predetermined number.

19. (Original) The computer-readable medium of claim 17, wherein the step of generating a set of locations includes increasing the range when a number of locations in the set is smaller than a predetermined number.

20. (Cancelled)

21. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives, the method comprising the steps of:

receiving a request from the user specifying a travel itinerary that includes a selected originating location and a selected destination location, wherein the request includes information identifying the selected originating and destination locations, and proximity tolerances

specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request; and

determining a value for the travel itinerary specified in the request; determining a value for each of the alternative itineraries; and generating a report reflecting the analysis and determinations.

22. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives, the method comprising the steps of:

receiving a request from the user specifying a travel itinerary that includes a selected originating location and a selected destination location;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries;

sending at least one price-to-beat request to a plurality of service providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries;

receiving a response from each of the service providers with information on a service provider travel itinerary and a value of the service provider travel itinerary, wherein the travel

itinerary from each of the service providers may be the same or comparable, according to each respective service provider, to the user's travel itinerary or one of the alternative itineraries;

reconfiguring the values of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from each of the service providers; and

providing a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

23. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location, wherein the request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries; and

a server for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, for determining a value for the travel itinerary specified in the request, for determining a value for each of the alternative itineraries, and for generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request,

wherein analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request.

24. (Previously Presented) The computer system of claim 23, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, the value

for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary specified in the request and each of the alternative itineraries.

25. (Cancelled)

26. (Previously Presented) The computer system of claim 23, wherein analyzing the travel itinerary includes locating any alternate lodging that is within the proximity tolerances.

27. (Previously Presented) The computer system of claim 23, wherein the buyer interface assigns geographical coordinates for each of the originating location and the destination.

28. (Previously Presented) The computer system of claim 27, wherein analyzing the travel itinerary includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

29. (Previously Presented) The computer system of claim 28, wherein generating a set of locations includes reducing the range when a number of locations in the set exceeds a predetermined number.

30. (Previously Presented) The computer system of claim 28, wherein generating a set of locations includes increasing the range when a number of locations in the set is smaller than a predetermined number.

31. (Cancelled)

32. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location; and

a server for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, for determining a value for the travel itinerary specified in the request, for determining a value for each of the alternative itineraries, and for generating a report reflecting the analysis and determinations,

wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination location that is different than the selected originating location or destination location of the travel itinerary specified in the request, and wherein analyzing the travel itinerary includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request, and any predetermined travel packages that include travel for the at least one alternative itinerary, and wherein the travel packages are pre-configured packages based on prior negotiations with providers of travel resources.

33. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location;

a server for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, for determining a value for the travel itinerary specified in the request and for determining a value for each of the alternative itineraries; and

a trader interface for receiving price-to-beat requests from the server and for providing a response from a trader with information on a trader travel itinerary and a value of the trader travel itinerary, wherein the travel itinerary from the trader interface may be the same or comparable, according to the trader, to the user's travel itinerary or one of the alternative itineraries

wherein the server is configured to reconfigure the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the response from the trader and generate a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

34. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location;

a server for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, for determining a value for the travel itinerary specified in the request and for determining a value for each of the alternative itineraries; and

a supplier interface for receiving price-to-beat requests from the server and for providing responses from a plurality of service providers with information on service provider travel itineraries and respective values of the service provider travel itineraries, wherein each of the travel itineraries from the supplier interface may be the same or comparable, according to each of the plurality of service providers, to the user's travel itinerary or one of the alternative itineraries

wherein the server is configured to reconfigure the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from the service providers and generate a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

35. (Previously Presented) The computer system of claim 23, including a supplier interface for receiving availability price requests from the server and for providing availability price responses from a plurality of service providers with information on service provider travel itineraries and respective values of the service provider travel itineraries, wherein each of the travel itineraries from the supplier interface may be the same or comparable, according to each of the plurality of service providers, to the user's travel itinerary or one of the alternative itineraries.

36. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

an interface means for producing a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location, wherein the request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries; and

a serving means for analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, for determining a value for the travel itinerary specified in the request, for determining a value for each of the alternative itineraries, and for generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request,

wherein analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request.

37. (Previously Presented) The method of claim 11, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, and a difference between the reconfigured value for the travel itinerary specified in the request and each of the alternative itineraries.

38. (Previously Presented) The method of claim 11, wherein the report is produced geographically on a map, wherein the map includes the travel itinerary specified in the request, at least one of the alternative itineraries and the reconfigured value for each travel itinerary included in the map.

39. (Previously Presented) The computer-readable medium of claim 22, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, and a difference between the reconfigured value for the travel itinerary specified in the request and each of the alternative itineraries.

40. (Previously Presented) The computer-readable medium of claim 22, wherein the report is produced geographically on a map, wherein the map includes the travel itinerary specified in the request, at least one of the alternative itineraries and the reconfigured value for each travel itinerary included in the map.

41. (Previously Presented) The computer system of claim 34, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, and a difference between the reconfigured value for the travel itinerary specified in the request and each of the alternative itineraries.

42. (Previously Presented) The computer system of claim 34, wherein the report is produced geographically on a map, wherein the map includes the travel itinerary specified in the request, at least one of the alternative itineraries and the reconfigured value for each travel itinerary included in the map.

43. (Previously Presented) A method for providing information regarding savings associated travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user specifying a travel itinerary that includes a selected originating location and a selected destination location, wherein the request includes information identifying the selected originating and destination locations, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries;

analyzing the travel itinerary specified in the request, including the selected originating and destination locations, to determine a set of alternative itineraries different than the travel itinerary specified in the request, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination location that is within the proximity tolerances and different than the selected originating location or destination location of the travel itinerary specified in the request;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries; and

generating a report reflecting the analysis and determinations.

44. (Previously Presented) A method for providing travel alternatives, comprising:
receiving, from a user, a request specifying a travel itinerary that includes a selected origination location and a selected destination location, a first value associated with the itinerary, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternate itineraries;

determining, without user intervention, a set of alternate itineraries different than the travel itinerary specified in the request, at least one alternate itinerary being associated with an alternative value and a route between an alternate originating location or alternate destination location that is within the proximity tolerances, and either the origination or destination location of the travel itinerary specified in the request; and

providing a report including a indication of the first value, the alternate value for each alternate itinerary, and a savings value for each alternate itinerary reflecting a difference between the first value and the respective alternate value.

45. (Previously Presented) The method of claim 44, wherein the first value reflects a cost of travel between the origination and destination locations.

46. (Previously Presented) The method of claim 45, wherein the first value further includes a cost of lodging.

47. (Previously Presented) The method of claim 44, wherein the set of alternate itineraries includes at least one alternate itinerary that is associated with a pre-configured travel package based on prior negotiations with at least one provider of travel resources.

48. (Previously Presented) The method of claim 44, wherein each alternate value is equal to or less than the first value.

49. (Previously Presented) A method for providing travel alternatives, comprising:
receiving, from a user, a request specifying a travel itinerary that includes a selected origination location and a selected destination location, a first value associated with the itinerary, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries;

determining, without user intervention, a set of alternative itineraries different than the itinerary specified in the request, at least one alternative itinerary including a route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the selected origination or destination location of the travel itinerary specified in the request;

determining an alternate value for each alternative itinerary; and
providing a report including a geographical map that contains:

a graphical representation of the origination location, destination location, and each alternate location,

a graphical representation of a first path between the origination and destination locations and a corresponding cost of travel for the first path, and

a graphical representation of an alternate path between each alternate location and either the origination or destination locations and a corresponding cost of travel for each respective alternate path.

50. (Previously Presented) A method for providing travel alternatives, comprising: receiving, from a user, a request specifying a travel itinerary that includes a travel route between a selected origination location and a selected destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of the selected originating location or selected destination location for searching for alternative itineraries;

determining, without user intervention, a set of alternative itineraries different than the itinerary specified in the request, at least one alternative itinerary including an alternate route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the origination or destination location of the travel itinerary specified in the request; and

providing a report to the user such that the user may visually inspect a map including a graphical representation of the route between the origination and destination locations and the alternate routes, and a travel cost for each corresponding route.

51. (Previously Presented) The method of claim 50, wherein the travel cost for each route is presented adjacent to the graphical representation of the respective route on the map.

In re: Offutt et al.

Appl. No.: 09/275,887

Filing Date: March 25, 1999

Page 44

9. *Evidence Appendix.*

None.

In re: Offutt et al.

Appl . No.: 09/275,887

Filing Date: March 25, 1999

Page 45

10. ***Related Proceedings Appendix.***

None.

In re: Offutt et al.
Appl. No.: 09/275,887
Filing Date: March 25, 1999
Page 46

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that the rejections be reversed.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 2, 2007.

LEGAL01/13020662v2